

Appln. No.: 10/772,079  
Amdt. dated July 13, 2009

### REMARKS

In the Office Action of January 12, 2009, claims 1, 2, 7, 17, 18, and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,675,612 ("Solve"). Claims 11 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Solve. Claims 3 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over solve in view of U.S. Patent No. 6,055,119 ("Lee").

Independent claims 1 and 17 are amended herewith to indicate that the adaptive noise cancellation element is adaptive based on a normalized adaptation error that is determined by dividing a decoder error of the decoder by a gain value of the gain stage. This aspect of the invention is taught in the specification at, for example, page 24, line 4 – page 25, line 9. Applicant submits that this aspect of the present invention is not taught by the cited art.

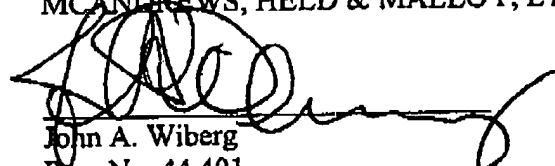
In view of the foregoing, Applicant respectfully requests allowance of claims 1-3, 7, 11, 17-19, 23, 27 and 60-63.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: July 13, 2009

MCANDREWS, HELD & MALLOY, LTD.

  
John A. Wiberg  
Reg. No. 44,401  
Tel.: 312 775 8000

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street  
34<sup>th</sup> Floor  
Chicago, IL 60661  
Telephone: (312) 775-8000  
Facsimile: (312) 775-8100